

REMARKS

Claims 1-9, 11-20, 22-26 and 28-30 are pending in the application.

Claims 28-30 over Knuth

In the Office Action, claims 28-30 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,400,393 to Knuth et al. ("Knuth"). The Applicants respectfully traverse the rejection.

Claims 28-30 recite a system and method for dynamically adjusting a total storage space allocated to each of a user accessible first memory area and a second memory area from a common total memory space to optimize a space available for the user accessible first memory area and the second memory area, the user accessible first memory area is used to store a user accessible voice message and the second memory area is used to store a user deleted voice message.

The Examiner alleges that Knuth discloses dynamically allocating memory to user's mailboxes and a common memory area (See Office Action, page 3). However, Knuth discloses dynamically allocating RAM memory to store incoming and outgoing messages (See col. 2, lines 30-32). Knuth dynamically allocating RAM memory to store incoming and outgoing messages is **NOT** dynamically adjusting storage space allocated to a user accessible first memory area used to store a user accessible voice message and the second memory area used to store a user deleted voice message, as recited by claims 28-30.

Moreover, claims 28-30 recite a deleted voice message memory to **store** at least one user deleted voice message.

The Examiner argues in the Response to Arguments section of the Office Action that Applicants' claimed deleted voice message memory which **stores** a voice message deleted from a common area reads on Knuth's one or more individual mailboxes (See Office Action, page 9). The Applicants respectfully disagree.

Knuth discloses deletion of a voice message from a mailbox, with reallocation of the memory space previously occupied by the voice message to eliminate open spaces (See Fig. 2). Knuth fails to disclose **storing** a deleted

voice message, much less disclose a system and method for dynamically adjusting a total storage space allocated to each of a user accessible first memory area and a second memory area from a common total memory space to optimize a space available for the user accessible first memory area and the second memory area, the user accessible first memory area is used to store a user accessible voice message and the second memory area is used to store a user deleted voice message, as recited by claims 28-30.

Moreover, the Examiner alleges that an archiving option for a voice message is the same as a deletion option for a voice message. As discussed below in detail, an archiving option for a voice message is **NOT** the same as a deletion option for a voice message, as recited by 28-30.

Accordingly, for at least all the above reasons, claims 28-30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1-5, 12-15 and 22-24 over Jones in view of Becker and Carbone

In the Office Action, claims 1-5, 12-15 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,522,727 to Jones in view of U.S. Patent No. 5,699,411 to Becker et al. ("Becker"), and further in view of U.S. Patent No. 5,128,859 to Carbone et al. ("Carbone"). The Applicants respectfully traverse the rejection.

Claims 1-5, 12-15 and 22-24 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

Jones discloses a system and method of performing archiving of voice messages and retrieval of the archived voice messages (See Abstract). Four possibilities of when a voice message is deleted are Delete Immediately, i.e., the voice message is placed on a queue to be archived with a user no longer having access to the voice message, Delete After Transfer, i.e., the voice

message is deleted after confirmation that the voice message has been archived, Delete After Reproduction, i.e., the voice message is deleted immediately after confirmed reproduction of the message on an archival medium, Delete Upon User Receipt, i.e., the voice message is deleted only after the user has received the reproduction on the archival medium and confirms receipt (See Jones, Table 3).

Jones discloses giving a user a keypad option to archive a voice message, with the archiving process deleting a voice message at various times. Thus, Jones fails to disclose giving a user an option to delete a voice message, even if deletion is performed as part of another option. Therefore, Jones fails to disclose giving a user a keypad option to delete a voice message, much less a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 1-5, 12-15 and 22-24.

The Examiner acknowledges that Jones fails to disclose compressing a voice message when it is archived (See Office Action, page 4). However, claims 1, 12 and 22 **DO NOT** recite archiving. Applicants' claimed features are directed toward a novel system and method of handling user deleted voice messages. A user option to archive a voice message is **NOT** option a user to delete a voice message, as recited by claims 1-5, 12-15 and 22-24.

The Examiner acknowledges in the Response to Arguments section of the Office Action that Jones discloses a user selecting an option to archive voice messages that causes the voice messages to be deleted (See Office Action, page 10). However, the Examiner alleges that "the claimed "deleting" means moving, not erasing, and Jones' archiving command also means moving (a voice message is deleted from a voice mailbox and saved in the archiving system), therefore, Jones teaches the limitation of a user option for deleting a voice message from a keyboard." (See Office Action, page 10). The Applicants respectfully disagree.

Applicants claimed features are directed toward an improved deletion option associated with a voice messaging system. Conventionally, when a “conventional telephone answering device 11 allows a user to review recorded voice messages as many times as desired before deletion, if a voice message is deleted, either accidentally or intentionally, the voice message is no longer accessible for review by the user, and is erased from the voice message memory 23.” Thus, conventionally when a user deletes a voice message a voice message is no longer accessible by the user. However, Applicants claimed features store the deleted voice message in response to a deletion option instead of conventional deletion of a voice message where the voice message is no longer available.

Moreover, if deletion were the same as archiving, when the Examiner where finished listening to a voice message on his voice messaging system the voice messaging system would ask the Examiner if he would like to “archive” the voice message. Moreover, the keyboard that the Examiner typed the Office Action on contains a “delete” key giving the Examiner an option to delete a selection **NOT** “archive” key giving a user an option to archive a selection. Any other interpretation of a “deletion” option versus an “archiving” option would be inconsistent with the interpretation that those skilled in the art would reach, and hence would be unreasonable. Cf. In re Cortright, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Moreover, the Examiner acknowledged that archiving is a **TWO** step process. The Examiner acknowledged that archiving entails deletion of a voice message from a mailbox and saved in an archiving system. However, conventionally deletion is a SINGLE step process that simply entails deletion of a voice message. When a user conventionally selects to delete a voice message, the voice message is simply deleted. Thus, the Examiner **ACKNOWLEDGES** that a user selecting to archive (a TWO step process) is **NOT** the same as a user selecting to delete a voice message (a SINGLE step process).

Moreover, the Examiner alleges the claimed “deleting” means moving, not erasing (See Office Action, page 10). However, the claimed features

recite a user selecting a keypad option to delete the voice message. Thus, even if the claimed features further recite move a deleted voice message to a second memory area, a user selecting a keypad option to archive a voice message is **NOT** the same as a user selecting a keypad option to delete the voice message, as recited by claims 1-5, 12-15 and 22-24.

Jones in view of Becker fails to disclose or suggest giving a user the option to delete a voice message, much less the option to delete causing the voice message to be compressed and sent to a deleted voice message memory, as recited by claims 1-5, 12-15 and 22-24.

The Examiner relies on Becker AND Carbone to allegedly disclose compressing a voice message when it is archived (See Office Action, page 4). However, as discussed above, Applicants are **NOT** claiming archiving. Thus, even if it were obvious to modify Jones with the disclosure of Becker and Carbone, the theoretical result would be a system and method for compressing and archiving a voice message **NOT** a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 1-5, 12-15 and 22-24.

Accordingly, for at least all the above reasons, claims 1-5, 12-15 and 22-24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6 and 16-18 over Jones in view of Becker, Carbone and Yaker

In the Office Action, claims 6 and 16-18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jones in view of Becker and Cardone, and further in view of U.S. Patent No. 6,137,864 to Yaker ("Yaker"). The Applicants respectfully traverse the rejection.

Claims 6 and 16-18 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user

selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

As discussed above, Jones in view of Becker and Cardone fails to disclose or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 6 and 16-18.

The Examiner relies on Yaker to disclose a method for permanently deleting a voice message after the voice message has been deleted by keeping the deleted voice message in a memory area for a period of time, such as one day, day or weeks before permanently deleting it (See Office Action, page 5). However, Yaker is directed toward a system and method for permanently deleting an active voice message after a period of time after first recording and/or being reviewed (See Abstract) **NOT** permanently deleting a voice message after the voice message has been **deleted** by keeping the deleted voice message in a memory area for a period of time, as alleged by the Examiner.

Jones modified by the disclosures of Becker, Cardone and Yaker would STILL fail to disclose or suggest giving a user the option to delete a voice message, much less the option to delete causing the voice message to be compressed and sent to a deleted voice message memory, as recited by claims 6 and 16-18.

Accordingly, for at least all the above reasons, claims 6 and 16-18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 8, 19 and 25 over Jones in view of Becker, Carbone and Garson

In the Office Action, claims 7, 8, 19 and 25 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jones in view of Becker and Carbone, and further in view of U.S. Patent No. 5,689,550 to Garson et al. ("Garson"). The Applicants respectfully traverse the rejection.

Claims 7, 8, 19 and 25 are dependent on claims 1, 12 and 22, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claims 7, 8, 19 and 25 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

As discussed above, Jones in view of Becker and Carbone fails to disclose, teach or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 7, 8, 19 and 25.

Garson at col. 16, lines 23-32 is relied on by the Examiner to allegedly disclose that when voice messages in a memory area reaches its limit by percentage of memory area, or by the number of calls, the oldest record is deleted (See Office Action, page 6). However, a reading of Garson at col. 8, lines 1-11 discloses that Garson's invention is directed toward using voice compression for a call **NOT** compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claims 7, 8, 19 and 25.

Thus, Jones modified by the disclosure of Becker, Cardone and Garson would at best result in compressing voice messages stored in an in-box and during a call **NOT** compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claims 7, 8, 19 and 25.

Accordingly, for at least all the above reasons, claims 7, 8, 19 and 25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 9, 20 and 26 over Jones in view of Becker, Cardone and Sweet

In the Office Action, claims 9 and 20 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jones in view of Becker and Cardone, and further in view of U.S. Patent No. 5,163,085 to Sweet et al. ("Sweet"). The Applicants respectfully traverse the rejection.

Claims 9, 20 and 26 are dependent on claims 1, 12 and 22, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claims 9, 20 and 26 recite a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

As discussed above, Jones in view of Becker and Cardone fails to disclose, teach or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claims 9, 20 and 26.

The Examiner relies on Sweet to allegedly make up for the deficiencies in Miner. The Applicants respectfully disagree.

Sweet at col. 12, lines 53-60 is relied on by the Examiner to allegedly disclose that when voice messages in a memory file reaches a predetermined percentage level, the oldest voice messages in the voice file are deleted (See Office Action, page 7). However, a reading of Sweet at col. 3, lines 52-62 discloses using voice compression for incoming digitized voice signals **NOT** compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claims 9, 20 and 26.

Thus, Jones modified by the disclosure of Becker and Cardone, and further in view of Sweet would at best result in compressing voice messages stored in an in-box and for incoming digitized voice signals **NOT** compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claims 9, 20 and 26.

Accordingly, for at least all the above reasons, claims 9, 20 and 26 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 11 over Jones in view of Becker, Cardone and Newton

In the Office Action, claim 11 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jones in view of Becker and Cardone, and further in view of U.S. Patent No. 5,978,757 to Newton ("Newton"). The Applicants respectfully traverse the rejection.

Claim 11 is dependent on claim 1, and is allowable for at least the same reasons as claim 1.

Claim 11 recites a system wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory.

As discussed above, Jones in view of Becker and Cardone fails to disclose, teach or suggest a system and method wherein a voice message is stored in a user accessible voice message memory, and upon a user selecting a keypad option to delete the voice message from the user accessible voice message memory, the voice message is automatically compressed, moved and stored in a deleted voice message memory, as recited by claim 11.

The Examiner relies on Newton to allegedly make up for the deficiencies in Miner. The Applicants respectfully disagree.

Newton at col. 4, lines 1-9, 20-32 and col. 15-18 is relied on by the Examiner to allegedly disclose new voice messages with a lower compression

ratio are deleted from a new voice message storage area, compressed with a higher compression ratio, and then stored in a compressed message memory area (See Office Action, page 8). However, a reading of Newton in its entirety fails to disclose or suggest compression of a voice message compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claim 11.

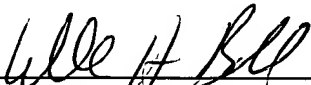
Thus, Jones modified by the disclosure of Becker, Cardone and Newton would **at best** result in compressing voice messages stored in an in-box **NOT** compressing a voice message for storage in a memory area for storing a deleted voice message, as recited by claim 11.

Accordingly, for at least all the above reasons, claim 11 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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